

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BROOKLINE d/b/a Lilogy,

Plaintiff,

v.

ECF CASE

Civil Action No. 23-CV-00838 (AKH)

BARUPON LLC,
QYK BRANDS LLC,
BALAJI TAMMABATTULA,
RUPA TAMMABATTULA,

Defendants.

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**JOINT MOTION TO ADJUST DATE OF SECOND
CASE MANAGEMENT CONFERENCE**

The Plaintiff, Brookline, LLC, and the Defendants, Barupon LLC, QYK Brands, LLC, Balaji Tammabatula, and Rupa Tammabattula, by and through their undersigned counsel, hereby jointly move the Court to adjust the date of the Second Case Management Conference to bring it in line with the updated scheduling order for the reasons articulated below.

1. This lawsuit arises out of the breach of a contract for the sale of 27,725,000 Covid-19 test kits to the New York City Health and Hospitals Corporation (“NYC H+H”) which were worth in excess of \$40 million. Plaintiff has asserted claims for breach of non-circumvention and exclusivity contracts, unjust enrichment, promissory estoppel, fraudulent misrepresentation, negligent misrepresentation, and conspiracy. Each of the Defendants filed an Answer, and Barupon filed counterclaims for breach of contract and fraudulent inducement.

2. The Parties are attending mediation on June 26, 2024 with Donald W. Rose, Esq. of Donald Rose Dispute Resolution LLC.

3. On May 15, 2024, the Court granted the Parties’ joint request for a brief extension of time to complete depositions to allow the Parties to first attend mediation. ECF No. 56. The

new deadline to complete depositions is July 11, 2024. ECF No. 56. The Court also scheduled a Status Conference to occur on July 12, 2024 at 10:00am. ECF No. 54.

4. In requesting the additional time to complete depositions, the Parties inadvertently failed to extend the date of the Second Case Management Conference, which had previously been scheduled to occur on June 28 at 10:00am. ECF Nos. 49, 49-1, 52.

5. Thus, under the new schedule approved by the Court, the Parties will attend mediation on June 26, have their Second Case Management Conference on June 28 and, if they cannot resolve the case at mediation, will have until July 11 to complete depositions. They will then attend the Status Conference on July 12.

6. Based upon the purpose of the Second Case Management Conference as set forth in the Case Management Plan, the Parties respectfully submit it would not be productive to hold the Second Case Management Conference on June 28 since the Parties will, if the case is not resolved at mediation on June 26, still be engaged in discovery. The Parties would therefore not be in a position to discuss a schedule for dispositive motions, expert discovery, or any other issue associated with the Second Case Management Conference.

7. The Parties would further respectfully submit that the Second Case Management Conference could more productively be held at the Status Conference on July 12, or a later date of the Court's selection.

8. Therefore, the Parties respectfully request that the Court excuse the Parties from attending the Second Case Management Conference on June 28 and reschedule that event to occur on July 12 at 10:00am.


Dated: June 19, 2024

Respectfully submitted,

By: /s/Charles P. Gourlis
Leto Law Firm
201 South Biscayne Boulevard
Suite 2700
Miami, Florida 33131
Tel: (305) 341-3155
cgourlis@letolawfirm.com
[Florida Bar No. 85924](#)
ADMITTED PRO HAC VICE

THE ROTH LAW FIRM, PLLC
Brian Levenson, Esq.
295 Madison Avenue, 22nd Floor
New York, New York 10017
Tel. 212-542-8882
blevenson@splaw.us
Counsel for Plaintiff

The Law Office of Joseph Indusi, PLLC


Christopher P. Gerace
400 Townline Road, Suite 100
Hauppauge, New York 11788
Phone: (631) 921-7464
chris@josephindusilaw.com
Counsel for Defendants Barupon, LLC,
Balaji Tammabattula, and Rupa
Tammabattula

/s/ Robert Hewitt
Maria Campese
Robert Hewitt
Schwartz, Conroy & Hack PC
1185 Avenue of the Americas, 3rd Fl.
New York, New York 10036
(516) 745-1122 Fax: (516) 745-0844
Counsel for Defendant QYK Brands,
LLC

CERTIFICATE OF SERVICE

I hereby certify that on June 19, 2024, I caused a copy of the foregoing Joint Motion for Alternative Dispute Resolution and for Stay to be served by ECF on all counsel of record in this matter and by fax to Chambers at (212) 805-7942.

/s/Charles P. Gourlis